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SUBJECT: URIBE VS THE SUPREME COURT

11. Summary: In January, Supreme Court Justice Cesar Valencia publicly accused President Alvaro Uribe of interfering in the Supreme Court's investigation of the president's distant cousin for alleged paramilitary connections. Valencia said Uribe called him to complain about the Court's actions and to present new information on the case. Uribe vehemently denied the accusation and filed a criminal complaint against Valencia. Political commentators and the media urged the two to settle the dispute privately and avoid a fight between the executive and judicial branches. Congress is responsible for investigating charges against Court members. If it moves ahead, the case will likely take months or years to resolve due to the complexity of the congressional accusation system.
End summary.

CASE AGAINST URIBE

12. In early January, Supreme Court Magistrate Cesar Julio Valencia Copete said in an interview in "El Espectador" newspaper that President Alvaro Uribe called him on September 26, 2007, to voice concern over the Court's investigation of his distant cousin and longtime political associate, Mario Uribe. The president also allegedly provided additional facts about the case. Mario Uribe is under investigation by the Supreme Court for alleged ties to paramilitary groups, and resigned from the Senate in October 2007.

URIBE COUNTERS

13. President Uribe adamantly denied any discussion or interference in the case against his cousin, and filed a criminal libel complaint against Valencia in the Congress' Commission of Accusations. (Note: Under Colombia's Constitution, the Commission is responsible for handling allegations against Court members). Uribe said he called Valencia to discuss the case of former paramilitary 'Tasmania,' which involved an alleged offer of leniency by a Supreme Court auxiliary magistrate to 'Tasmania' in exchange for testimony implicating President Uribe in a murder attempt.

14. Uribe charged that Valencia is trying to undermine him to advance his own career, and volunteered to take a polygraph test to confirm his version of events. Both Valencia and Uribe have hired lawyers to represent their interests. Valencia has demanded that "Uribe withdraw the complaint."

CRITICISM OF URIBE'S ACTIONS

¶5. Media and political commentators have urged Uribe and Valencia to settle the dispute without dragging the country into an ugly battle between the executive and judicial branches. Former Vice President Humberto de la Calle Lombana criticized the president for filing the complaint, and said the country risked "falling into a dangerous environment of polarization." He said it is unlikely the truth would ever be known in a case of "he said, he said," and counseled Uribe as head of state to "stay above" such trivial matters for the good of Colombia's institutions. Uribe's criminal complaint comes against the backdrop of repeated clashes between Uribe, Valenica, and other members of the Supreme Court.

NEXT STEPS

¶6. The case, if not resolved privately, could take months or years to resolve. The Congress' Commission of Accusations will meet in March to decide whether there is enough evidence to proceed in the case. If the Commission finds there is sufficient evidence to continue, it will investigate and provide its findings to the House of Representatives. The House would then determine whether to support or reject the Commission's findings. If the case moves ahead, the Senate would then have final authority to impeach or suspend Valencia. If the Senate votes to impeach, the case would return to the Supreme Court, which would adjudicate the libel charge on the merits.
Brownfield